



November 18, 2016

By Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: IB Docket No. 12-267

Dear Ms. Dortch:

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, “EchoStar”) submit these comments in support of a petition for reconsideration (“Petition”) filed by SES Americom, Inc. and New Skies Satellites B.V. (collectively, “SES”) in the above-referenced proceeding.¹

Specifically, EchoStar supports SES’ request for reconsideration² of the Commission’s decision in the *Second Report and Order* to defer processing of a U.S. market access request deemed mutually exclusive with a prior U.S. application filing.³ As SES notes, a policy of deferring Commission processing of a U.S. market access request would disserve the public interest by delaying or foreclosing new service to consumers, undercutting efficient spectrum use, hindering international coordination, and encouraging anticompetitive abuses.⁴ Moreover, such a policy is contrary to established FCC precedent and U.S. treaty obligations to comply with international coordination procedures.⁵ Accordingly, the Commission should grant SES’ request for reconsideration

¹ See SES Petition, IB Dkt. No. 12-267 (Sept. 19, 2016); see also *Petition for Reconsideration of Action in Rulemaking Proceeding*, 81 Fed. Reg. 76551 (Nov. 3, 2016).

² See SES Petition at 2-13.

³ See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713, ¶ 42 (2015) (“*Second Report and Order*”); see also *Amendment of the Commission’s Space Station Licensing Rules and Policies*, Second Order on Reconsideration, 31 FCC Rcd 9398, ¶ 32 (2016) (“if a later-filed market access request – with or without ITU priority – is mutually exclusive with an earlier-filed, granted application, it may be dismissed absent a coordination agreement between the applicants”).

⁴ See SES Petition at 3-8.

⁵ See *id.* at 6-8 (noting U.S. treaty obligation to adhere to international coordination procedures, and citing FCC precedent requiring U.S. licensees to coordinate with other satellite networks).

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and affirm that it will act on U.S. market access requests as they are filed, regardless of any prior U.S. application filings for similar spectrum and orbital locations.

Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner

Senior Vice President, Regulatory Affairs